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PATENT APPLICATION

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
JEROME CROS and
PHILIPPE VIAROUGE
Application No.: 09/656,085
Filed: September 6, 2000
For: BRUSH DC MOTORS AND AC
COMMUTATOR MOTOR
STRUCTURES WITH
CONCENTRATED WINDINGS
Examiner: Karl I. Tamai
Group Art Unit: 2834
January 28, 2002

Commissioner for Patents
Washington, D.C. 20231

#9/Electr.
Hawkins
2/13/02

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is in response to the Office Action dated December 28, 2001, imposing a restriction requirement in the above-identified application.

REMARKS

In the Office Action, the Examiner required restriction between the following groups of claims:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on

January 28, 2002

(Date of Deposit)

ROBERT H. FISCHER

(Name of Attorney for Applicant)

Robert H. Fischer

Signature

January 28, 2002

Date of Signature

- I. Claims 1-4 and 15-28, purportedly drawn to a motor with a plurality of coils connected to different commutator sections, classified in Class 310, Subclass 233; and
- II. Claims 5-14, purportedly drawn to a motor with a specific number of poles and commutator sections, classified in Class 310, Subclass 179.

According to the Examiner, the claims of Groups I and II are related as subcombinations disclosed as usable together in a single combination. The Examiner asserted in this regard that the subcombinations are distinct from each other because they were purportedly separately useable. In particular, the Examiner asserted that the invention of Group II has separate utility, such as a motor with the windings connected to the same commutator sections. Additionally, the Examiner asserted that the claims of Group II had separate utility as a motor with a different pole/slot/commutator ratio.

Applicants respectfully traverse the foregoing restriction requirement. MPEP § 806.05(d) requires that the Examiner make a showing that the asserted groups are separately useable. It is respectfully submitted that the Examiner has not made this showing. At most, the Examiner's reasoning establishes only that the claims are of different scope. In addition, it is submitted that separate searches are not required to examine all the inventions of this subject application. For the foregoing reasons, reconsideration of the restriction requirement is respectfully requested.

In the event the Examiner maintains the restriction requirement, applicants hereby elect the claims of Group I, claims 1-4 and 15-28, for further prosecution herein. Applicants reserve the right to file divisional applications directed to any and all non-elected claims.

Applicants' undersigned attorney may be reached by telephone at (212) 218-2254. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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